

GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM LLP

WRITER'S DIRECT DIAL
312-881-5947
scCook@goldmanismail.com

August 7, 2013

VIA FAX

The Honorable Cathy Seibel
United States District Judge
The Hon. Charles L. Brieant Jr. Federal Building and U.S. Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

**Re: *In re: Mirena IUD Products Liability Litigation*, 13-MD-2434, 13-MC-2434
Update on Discovery and Proposed Schedule**

Dear Judge Seibel:

At the July 2, 2013 Status Conference, the Court instructed the parties to confer on the various outstanding discovery issues and schedule and submit a joint letter to the Court.

The parties have met and conferred by phone, email and in person about the Plaintiff Fact Sheet, Defense Fact Sheet, document production, ESI and document production protocol, and the proposed schedule. The parties address the status of these issues below.

Plaintiff Fact Sheet

The parties continue to meet and confer on a Plaintiff Fact Sheet and a related Case Management Order. The parties will submit these documents to the Court along with a letter setting forth any remaining issues by Friday, August 9.

Defense Fact Sheet

The parties continue to meet and confer on a Defense Fact Sheet and a related Case Management Order. The parties will submit these documents to the Court along with a letter setting forth any remaining issues by Friday, August 9.

Document Production

Bayer HealthCare Pharmaceuticals Inc. ("Bayer") has agreed to produce documents and data from the files of 14 current or former Bayer employees and certain Bayer databases. Bayer is prepared to begin producing documents as soon as a document production protocol is entered. The parties plan to submit the Pilot Project Exhibit B to the Court on Thursday, August 8.

GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM LLP

The Honorable Cathy Seibel

-Page 2-

August 7, 2013

ESI and Document Production Protocol

The parties continue to meet and confer on a Case Management Order addressing the preservation of documents and the format of document production and privilege logs. The parties will submit this Case Management Order to the Court along with a letter setting forth any remaining issues by Friday, August 9.

Proposed Schedule

The parties have met and conferred on a proposed schedule for pretrial activities in this MDL.

Below is Plaintiffs' proposed schedule for pretrial activities in this MDL:

Date	Deadline
September 16, 2013	Response to Plaintiff interrogatories and Requests for production of documents
October 1, 2013	Deadline for production of first 14 custodians and other initial document production
November 1, 2013	Deadline for 30(b)(6) depositions
January 30, 2014	Deadline for Plaintiff second wave discovery requests
April 4, 2014	Initial Disposition Pool Selection
September 1, 2014	General Discovery ends
September 30, 2014	Case-Specific Discovery Deadline in Initial Disposition Pool
October 30, 2014	Deadline for Plaintiffs' Generic Expert Disclosures
November 14, 2014	Deadline for Defendant generic expert disclosures
December 1, 2014 – February 2, 2015	Bayer to Depose Plaintiffs' Generic Experts
February 2, 2015 – April 1, 2015	Plaintiffs to depose Bayer Generic experts
December 1, 2014	Deadline for Plaintiffs case specific expert disclosures
January 15, 2015	Deadline for Bayer case specific expert

GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM LLP

The Honorable Cathy Seibel

-Page 3-

August 7, 2013

	disclosures
February 2, 2015 – March 16, 2015	Plaintiff case specific expert depositions
March 16, 2015 – May 1, 2015	Defendant Case Specific Expert depositions
June 1, 2015	<i>Daubert</i> and Disposition Motion Deadline in Initial Disposition Pool cases

Below is Bayer's proposed schedule for pretrial activities in this MDL:

Date	Deadline
March 3, 2014	Generic Fact Discovery Deadline
April 4, 2014	Initial Disposition Pool Selection
June 4, 2014	Case-Specific Discovery Deadline in Initial Disposition Pool
June 20, 2014	Deadline for Plaintiffs' Generic Expert Disclosures and Case-Specific Expert Disclosures in Initial Disposition Pool cases
August 1, 2014	Deadline for Bayer to Depose Plaintiffs' Generic Experts and Case-Specific Experts in Initial Disposition Pool cases
August 15, 2014	Deadline for Bayer Generic Expert Disclosures and Case-Specific Expert Disclosures in Initial Disposition Pool cases
September 26, 2014	Deadline for Plaintiffs to Depose Bayer Generic Experts and Case-Specific Experts in Initial Disposition Pool cases
October 10, 2014	<i>Daubert</i> and Disposition Motion Deadline in Initial Disposition Pool cases

The parties may request the assistance of Magistrate Judge Smith to mediate open issues.


GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM LLP

The Honorable Cathy Seibel

-Page 4-

August 7, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shayna S. Cook', written in a cursive style.

Shayna S. Cook
Lead Counsel for Defendant
Bayer HealthCare Pharmaceuticals Inc.

CC (via email):

Counsel for Plaintiffs Diogenes P. Kekatos, Fred Thompson, James R. Ronca, Matthew McCauley; Counsel for Bayer James Shepherd, and William Harrington